

ENVIRONMENTAL Fact Sheet



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Vegetation Maintenance Within the Protected Shoreland

Vegetation is a key component in preserving the integrity of public waters and is also a critical element of wildlife habitat. The New Hampshire Comprehensive Shoreland Protection Act (CSPA), RSA 483-B, has protected a 150-foot wide natural woodland buffer around public waters since July 1, 1994. For the purposes of the CSPA, public waters are defined as lakes, ponds and artificial impoundments 10 acres or greater in size, rivers and streams that are 4th order or higher, designated rivers and all tidal waters.

Changes to the CSPA in 2007 and 2008 modified the way the CSPA protects vegetation. These changes established a new waterfront buffer zone within the larger natural woodland buffer zone. The woodland buffer extends 150 feet from the reference line but, the first 50 feet extending landward from the reference line is now considered the waterfront buffer.



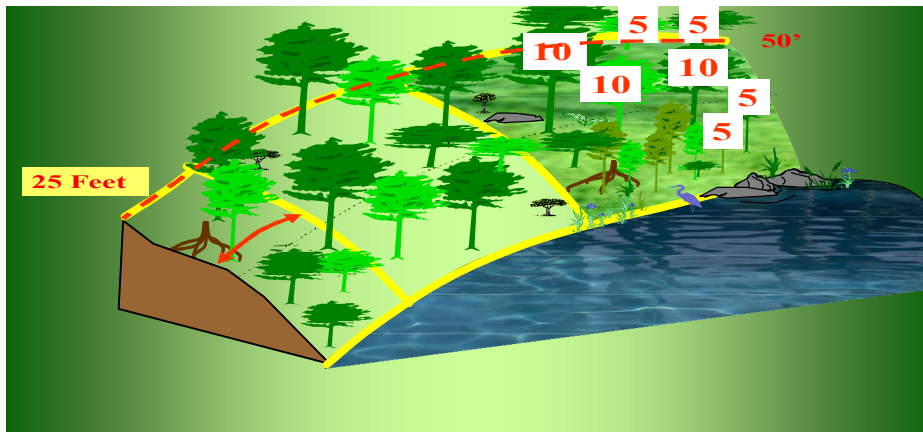
Example: Waterfront Buffer within the Natural Woodland Buffer Zone

Vegetation maintenance within the waterfront buffer

Within the waterfront buffer, branches may be trimmed, pruned, and thinned to the extent necessary to protect structures, maintain clearances and provide views. Limbing of branches for the purpose of providing views is limited to the bottom half of trees and saplings to help ensure the health of the tree or sapling. Owners of lots that were legally developed prior to July 1, 2008 that have cleared areas within the waterfront buffer such as existing lawns or beaches are not required to replant or restore these areas. Owners may continue to maintain these areas as they have in the past but, may not enlarge them, with the exception of beaches provided the Wetlands Bureau issues a permit for the expansion.

Ground cover is protected within the waterfront buffer. Vegetation generally less than 3 feet in height, rocks, stumps and their root systems must be left intact in the ground however, clearing ground cover for a 6-foot wide foot path to the water body is allowed provided the path is designed in such a way not to concentrate storm water runoff or contribute to erosion.

Live trees and saplings may be removed provided certain criteria are met. Starting from the northerly or easterly boundary of the property, and working along the shoreline, divide the waterfront buffer into 50 feet x 50 feet segments. Within each segment a minimum combined tree and sapling score of at least 50 points must be maintained. If for any reason there is insufficient area for a full segment, the number of points required to be maintained is proportional to the requirement of a full segment. For instance, a segment that measures 25 feet x 50 feet, would only need to maintain at least 25 points worth of trees and saplings.



Example: Lot with two full grid segments and one partial grid segment.

To determine if trees and saplings may be removed, the owner must first verify that at least the minimum tree and sapling score will remain within the affected grid segment. To accomplish this, at a height of 4½ feet above the ground, on the uphill side, measure the tree and sapling diameter within each grid segment and score in accordance with the table below. Once the tree and sapling score reaches the minimum point score required to remain within a grid segment, then trees and saplings beyond the minimum score may be removed from the grid segment. If the score within a grid segment is less than 50 points or below the minimum score to remain within a partial grid segment, then trees and saplings may not be removed. The stumps of felled trees and saplings may be ground flush to the ground surface but the stump and root systems must remain in the ground and care must be taken to avoid removal of surrounding ground cover.

Calculating the tree and sapling score within a 50 foot by 50 foot segment:

Determine each tree and sapling circumference 4½ feet above the ground, uphill side and score as follows:

| Diameter of Tree or Sapling | Score |
|------------------------------------|--------------|
| 1 inch to 6 inches | 1 pt |
| 6 inches to 12 inches | 5 pts |
| Greater than 12 inches | 10 pts |

If possible, owners are encouraged to retain dead trees as they provide valuable wildlife habitat and nesting opportunities. However, dead, diseased or unsafe trees are not included in the scoring and may be removed provided no damage occurs to surrounding trees and saplings, damage to the groundcover is minimized and erosion and sedimentation to the waterbody is prevented.

No fertilizer, except limestone, can be used within 25 feet of the reference line. From 25 feet to 250 feet, low phosphate, slow release nitrogen fertilizer may be used on vegetated areas.

Vegetation maintenance within the Natural Woodland buffer

Within the Natural Woodland Buffer a percentage of vegetated area must be left in an unaltered state. "Unaltered state" means native vegetation that is allowed to grow without cutting, limbing, trimming, pruning, mowing, or other similar activities. Lawns are modified surfaces and are considered altered areas. This does not prevent raking of existing lawns, the removal of non-native or invasive species, or the removal of dead vegetation. The percentage of area to remain in an unaltered state within the natural woodland buffer is determined by the size of the lot 150 feet from the reference line.

For lots having one-half acre (21,780 sq ft) or less within 150 feet of the reference line, the area to remain in an unaltered state is 25 percent of the area of the lot between 50 feet and 150 feet from the reference line.

For lots having greater than one-half acre within 150 feet of the reference line, the area to remain in an unaltered state is 50 percent of the area of the lot between 50 feet and 150 feet from the reference line exclusive of impervious surfaces. The area to remain in an unaltered state is calculated by first subtracting the area of impervious surfaces located between 50 feet and 150 feet of the reference line from the total area of the lot between 50 feet and 150 feet from the reference line. 50 percent of the area within 50 feet and 150 feet, not covered by impervious surfaces, must remain in an unaltered state. If additional impervious areas are constructed at a later date, then additional areas may be altered as well.

Dead, diseased, or unsafe trees, limbs, saplings or shrubs that pose an imminent hazard to structures or have the ability to cause personal injury may be removed from the natural woodland buffer, even areas that are to remain in an unaltered state. However, preservation of dead and living trees that provide dens and nesting places for wildlife is encouraged.

Properties that were developed prior to July 1, 2008 may not have enough unaltered area remaining to meet the minimum requirements of the CSPA. Owners of these properties are not required to restore areas or let them revert into a natural state. Owners may continue to maintain these areas as they have in the past.

For more information, please go to <http://des.nh.gov/organization/divisions/water/wetlands/cspa/index.htm> or email shoreland@des.nh.gov.